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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,627	02/05/2004	Hiroshi Kuzuya	26B-025	9496
23400	7590	02/22/2005	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/771,627

**Applicant(s)**

KUZUYA ET AL.

**Examiner**

Vishal Patel

**Art Unit**

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/5 and 9/14.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of species I, claims 1-8 in the reply filed on 1/28/05 is acknowledged.

### ***Drawings***

2. Figures 5-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: W3 from page 11, lines 6-7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

4. The disclosure is objected to because of the following informalities:

Page 3, lines 23, "55" should be changed to --56--.

Page 11, lines 6-7, "W3", this is not in the drawings.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 4-5 and 7, line 3, "a thickness", is this a thickness the same as mentioned in claim 1, line 20? For examination purpose this thickness is the same as mentioned in claim 1, line 20.

Claim 2, "a thickness of a base part of said projection is equal to or more than a thickness of said part of said seal portion", how can the projection have a thickness that is larger than a thickness of a part of said seal portion in claim 1 and at the same time in claim 2 be equal to a thickness of said seal part of said seal portion?

Claim 6, "the projection length is equal to", how can the projection length be equal to when claim 5 has the projection length to be larger than a thickness of a part of said seal portion?

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Claim 6, line 2, "a thickness" is this a thickness the same as mentioned in claim 1, line 20? For examination purpose this thickness is the same as mentioned in claim 1, line 20.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Oda et al (US. 6,684,575).

Oda discloses a weather strip comprising a trimming portion having a substantially U-shaped cross section (U-shape that has 17) and attachable to a surrounding part of a door opening of a vehicle (intended use), the trimming portion having an outer side wall portion (outer side wall portion having two lips 15), an inner side wall portion (inner side wall portion having one lip 15), and a connecting portion (13) for connecting the outer and inner side wall portions to each other. The weather strip having a hollow seal portion (hollow portion that contacts 42) connected to the trimming portion at a first connection portion (first connection portion having 31), which is placed substantially at a boundary portion between the connection portion and the outer side wall portion. The hollow seal portion having at a second connection portion (second connection portion by the additional cross-hatching in the attached figure), which is placed closer to a leading end of the outer side wall portion than the first connection portion and adapted to be more flexible than the trimming portion. The weather strip having a projecting portion

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(projection portion having the cross-hatching in the attached figure 1) provided in the second connection portion in such a way as to extend from the outer side wall portion of the trimming portion, wherein a thickness (thickness formed by the first cross-hatching line closest to the trimming portion) of the projecting portion along a direction, in which the outer side wall portion extends, is larger than a thickness of a part of the seal portion, which is pressure-contacted to a peripheral portion of the door (the thickness of the projection is larger than the thickness of a part 52 of the seal portion that contacts 42).

The thickness of a base end part (this is also defined by the first cross-hatching line, see attached figure) of the projection portion is equal to or more than twice the thickness of the part of the seal portion.

A thickness of base end part of the projection portion is equal to or more than one-fourth of a length (length from the first cross hatching line to the leading end part that contacts 51) from a leading end part (leading end part that contacts 51) of the outer side wall portion of a boundary portion between the connecting portion and the base end part.

A thickness of the leading end part of the projection is equal to or more than twice the thickness of the part of the seal portion (the leading end part has a thickness that is equal or twice the thickness of the part of the seal portion).

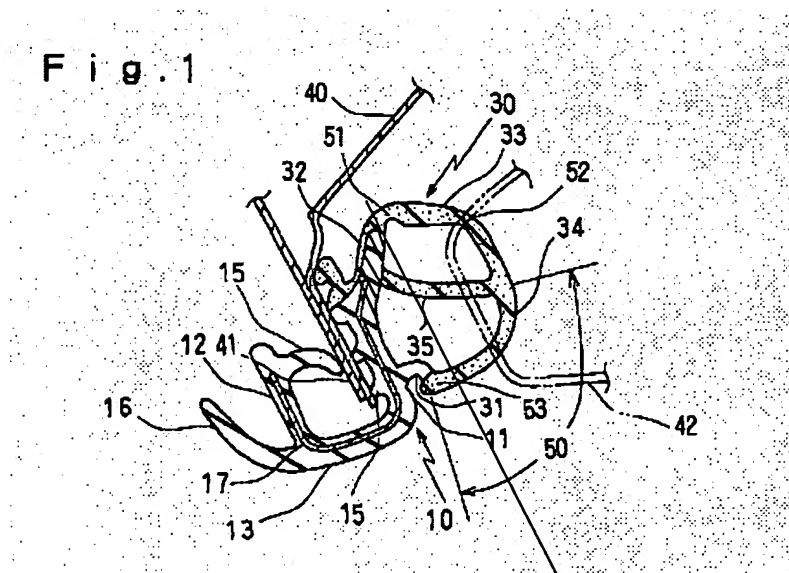
A projection length from a base end part of the projection portion to a leading end part thereof (length of the projection normal from the outer side wall) is larger than the thickness of the part of the seal portion.

The projection length is equal to or more than twice a thickness of the part of the seal portion.

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A cross sectional area (area of projecting portion) of the projecting portion is equal to or more than four times an area obtained by square of the thickness of the part of the seal portion.

The entirety of the seal portion is formed in such a way as to be placed closer to a side of the first connection portion than at least the second connection portion in the direction in which the outer side wall portion extends (this is the case since the first connection portion has a length that is smaller than the length of the second projecting portion that attaches the seal portion).



### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakuma, Nakatani et al, Nozaki and Ahlfeld et al all teach an invention that is similar to applicants invention (where the one end is placed further away then another end that connects a seal portion to a trimming portion of a U-shape).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** 703-872-9326, for formal communications for entry before Final action: or,  
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP  
February 17, 2005

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish at the end.

Vishal Patel  
Patent Examiner  
Tech. Center 3600